

**Blanchard, Deborah**

**From:** Sen. McDonald, Andrew J.  
**Sent:** Sunday, April 26, 2009 4:54 PM  
**To:** Blanchard, Deborah  
**Subject:** FW: A follow up to your question during the public hearing

Put this with the bill file.

---

**From:** jason ortiz [mailto:jasonjortiz@gmail.com]  
**Sent:** Sunday, March 29, 2009 12:29 PM  
**To:** Senator McDonald  
**Subject:** A follow up to your question during the public hearing

Dear Rep. McDonald,

I recently testified on march 24th in favor of SB 349. During the questioning you asked for more information on the states that currently have decriminalization laws. This list should give you enough details to see that reducing penalties for marijuana possession have been done before without any major issues.

If you would like any more information please feel free to ask to visit [www.norml.org](http://www.norml.org) and they have a multitude of resources. If you could forward this information to any congress people who may have questions it would be much appreciated. Thank you for your time.

**Alaska**

<b>Possession</b>			
1 oz or less in your residence or home	no penalty	N/A	N/A
1 oz to 4 oz	misdemeanor	90 days	\$1,000
More than 4 oz, or 25 or more plants	felony	5 years	\$50,000
Any amount within 500 feet of school grounds or rec. center*	felony	5 years	\$50,000
* If charged with possession of marijuana in a school zone, an affirmative defense may be raised in court that the conduct took place entirely within a private residence.			
<b>Sale or Cultivation</b>			
Sale less than 1 oz	misdemeanor	1 year	\$5,000
1 oz or more	felony	5 years	\$50,000
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Maintaining any structure or dwelling for keeping and distributing marijuana	felony	5 years	\$50,000
<b>Details</b>			<b>Top ▲</b>

4/27/2009

Possession of one ounce or less of marijuana in the privacy of the home is legal. The status of possessing an amount between one ounce and four ounces is unclear, pending clarification by the courts. Possession of 4 ounces or more of marijuana is a felony punishable by up to five years in prison and a fine of up to \$50,000.

Possession of less than 25 plants is protected under the Alaska Constitution's right to privacy (See Ravin v. Alaska). Possession of 25 or more marijuana plants is "Misconduct involving a controlled substance in the fourth degree" and is punishable by a fine of up to \$50,000 or five years in prison.

Any possession within 500 feet of school grounds or a recreation center or possession on any school bus is a felony punishable by up to five years in prison and a fine of up to \$50,000.

Sale, delivery or manufacture of marijuana of less than one ounce is a misdemeanor and is punishable by up to one year in jail and a fine of up to \$5,000. For amounts of one ounce or greater, the crime is a felony which can be punished with a sentence of up to five years in prison and a fine of up to \$50,000.

It is an affirmative defense to possession, manufacture or delivery that the offender is a patient or caregiver who is registered with the state for medical use of marijuana.

Maintaining any structure or dwelling, including vehicles, to use for keeping and distributing marijuana, is a felony offense and punishable by up to five years in prison and a fine of up to \$50,000.

## California

<b>Possession</b>			
28.5 g or less	misdemeanor	none	\$100
More than 28.5 g	misdemeanor	6 months	\$500
28.5 g or less on school grounds while school open (over 18 yrs old)	misdemeanor	10 days	\$500
More than 28.5 g on school grounds while school open (over 18 yrs old)	misdemeanor	6 months	\$500
<b>Cultivation</b>			
Any amount (exception for patients or caregivers)	felony	16 - 36 months	none
<b>Sale</b>			
Gift of less than 28.5 g	misdemeanor	none	\$100
Any amount	felony	2 - 4 years	none
28.5 g or less by a minor	misdemeanor	none	\$250
Any amount to a minor over 14 years old	felony	3 - 5 years	none
Any amount to a minor under 14 years old (includes offering, inducing, distributing, or employing)	felony	3 - 7 years	none
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Any conviction of minor under 21 causes driver's license suspension for 1 year.			
<b>Details</b>			
Possession of 28.5 grams or less of marijuana is not an arrestable offense. As long as the offender can			

provide sufficient identification and promises to appear in court, the officer will not arrest the offender. Upon conviction of the misdemeanor charge the offender is subject to a fine of \$100. Possession of greater than 28.5 grams is punishable by up to six months in jail and a fine of up to \$500.

Possession of 28.5 grams or less of marijuana on school grounds when the school is open is punishable by up to 10 days in jail and a \$500 fine.  
Possession of greater than 28.5 grams or more of marijuana in a school zone is punishable by up to six months in jail and a fine of up to \$500.

**Proposition 36**  
The Substance Abuse  
and Crime Prevention  
Act passed by 61% in  
2000

The cultivation or processing of any amount of marijuana is punishable by up to sixteen months in state prison. There is an exception to the cultivation prohibition for patients or patients' caregivers who possess or cultivate for personal use by the patient upon approval of a physician.

The laws regarding possession and cultivation of marijuana do not apply to patients or patients' primary caregivers who possess or cultivate marijuana for the personal medical use of the patient, upon the recommendation or approval of a physician.

Selling marijuana in any amount is punishable by 2 – 4 years in the state prison. Giving away less than 28.5 grams is a misdemeanor and is punishable by a fine of up to \$100.

Sale of marijuana to a minor is punishable by 3 – 5 years in prison.

For anyone under the age of 21 convicted of any of the above offenses, the state may suspend the offender's driver's license for up to one year.

Possession of paraphernalia is a civil fine of \$200-\$300 for the first offense and goes up to \$5,000-\$6,000 for a fifth or subsequent violation within a five-year period.

A breakdown of CA county and local medical marijuana guidelines is available here:

<http://www.safeaccessnow.net/countyguidelines.htm>.

## Colorado

Possession			
1 oz or less	petty offense	none	\$100
1 oz or less - failure to appear	misdemeanor	6 months	\$500
Display or use in public	misdemeanor	15 days additional	none
1 to 8 oz	misdemeanor	6 - 18 months	\$500 - \$5,000 (\$600 surcharge)
More than 8 oz	felony	1 -3 years	\$1,000 - \$100,000 (\$1,125 surcharge)
Subsequent convictions over 1 oz could double penalties.			
Medical use permitted with no more than 2 oz, or 6 plants, physician recommendation and state registration.			
16 - 48 hours community service required with diverted prison sentence.			
Sale or Cultivation			

Less than 1 oz (without payment)	petty offense	none	\$100
Any amount (with payment)	felony	2 - 6 years	\$2,000 - \$500,000 (\$1,500 surcharge)
Transport more than 100 lbs	felony	8 - 24 years	\$5,000 - \$1,000,000
Transfer to a minor	felony	2 - 6 years	\$2,000 - \$500,000
Sale within 1,000 feet of school or public housing	felony	8 - 24 years	\$10,000 - \$1,000,000
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Paraphernalia possession or sale	petty offense	none	\$100
Any felony conviction causes driver's license suspension for 1 year.			

**Details**[Top ▲](#)

Possession of one ounce or less of marijuana is a petty offense. The offender receives a summons to appear in court, and upon a promise to appear in court, the offender is to be released from detention. The maximum penalty for a violation is \$100. Failure to appear at the specified time and location results in the increase of the charges to a misdemeanor. Displaying or using the marijuana in public results in the added penalty of up to 15 days in jail. Possession of greater than one ounce is a misdemeanor, punishable by 6-18 months in jail and a fine of \$500 - \$5,000, plus a \$600 surcharge. Possession of greater than 8 ounces of marijuana is a felony, punishable by 1 - 3 years in prison and a fine of \$1,000 - \$100,000 and a surcharge of \$1,125. Generally, subsequent convictions of possession of over one ounce double the possible penalties.

Transfer of less than one ounce of marijuana for no consideration is considered possession and is punished as such. Any other transfer, sale, manufacture or cultivation is a felony, punishable by 2 - 4 years in prison and a fine of \$2,000 - \$500,000 and a \$1,500 surcharge. Any transport of greater than 100 lbs. is punishable by 8 - 24 years in prison and a fine of \$5,000 - \$1,000,000. Any transfer to a minor is also a felony punishable by 2 - 4 years in prison and a fine of \$2,000 - \$500,000. Any sale within 1000 feet of a school or public housing area increases the penalties to 8 - 24 years in prison and a fine of \$10,000 to \$1,000,000.

Patients who possess written documentation from their physician recommending the use of marijuana and are registered with the state and issued an identification card may legally possess no more than two ounces of marijuana or no more than six marijuana plants.

Any convictions for drug offenses that involve diversion from the prison system require a mandatory 16 - 48 hours of community service.

Any felony convictions involving possession or sale of marijuana also result in the suspension of the offender's driver's license for a period of up to one year.

Possession or sale of paraphernalia is a petty offense punishable by a fine of up to \$100.

**Maine**

<b>Possession</b>			
Usable amount with proof of physician's recommendation	none	none	none
			\$350 - \$600

"Usable Amount" (under <1.25 oz)	civil violation	none	subsequent violation within 6 months \$550
1.25 oz or more	Presumption of Sale, Rebuttable		
Cultivation			
5 plants or less	class E misdemeanor	6 months	\$1,000
5 - 100 plants	class D misdemeanor	1 year	\$2,000
100 - 500 plants	class C felony	5 years	\$5,000
More than 500 plants	class B felony	10 years	\$20,000
Sale			
1 lb or less	class D misdemeanor	1 year	\$2,000
1 lb - 20 lbs	class C felony	5 years	\$5,000
20 lbs or more	class B felony	10 years	\$20,000
Sale to minor or within 1,000 feet of a school or on a school bus	felony	5 years	\$5,000
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession and use	civil violation	none	\$300
Paraphernalia sale	misdemeanor	6 months	\$1,000
Paraphernalia sale to a minor	misdemeanor	1 year	\$2,000
Any conviction may cause professional license suspension or revocation.			
Details			<a href="#">Top ▲</a>
<p>Possession of less than 1.25 ounces is a civil violation, punishable by a fine of \$200 - \$400. Possession of 1.25 ounces or more is considered evidence of intent to distribute and is punished as such (see below).</p> <p>Possession of a usable amount of marijuana is lawful if at the time of the possession the person has an authenticated copy of a medical record demonstrating that the person has a physician's recommendation.</p> <p>Cultivation of five plants or less of marijuana is punishable by up to six months in jail and a fine of up to \$1,000. For greater than five plants, the penalties increase to up to one year in jail and a fine of up to \$2,000. For greater than 100 plants the possible punishment is up to five years in prison and a fine of up to \$5,000. For any amount of plants greater than 500, the penalties increase to up to ten years in prison and a fine of up to \$20,000.</p> <p>The penalty for sale of marijuana is up to one year in jail and a fine up to \$2,000. The penalties increase to up to five years in prison and a fine of up to \$5,000 if the sale was made to a minor or if it occurred within 1,000 feet of a school or on a school bus.</p> <p>Possession of greater than one pound of marijuana is considered trafficking and is punishable by up to one year in jail and a fine of up to \$2,000.</p>			

Possession and personal use of paraphernalia is a civil violation punishable by a fine of \$200. The sale of paraphernalia is punishable by up to six months in prison and a fine of up to \$1,000, unless the sale was to a minor, in which case the penalty increases to up to one year in jail and a fine of up to \$2,000.

Upon conviction, the court may suspend or revoke the professional license of the offender.

## Massachusetts

Possession			
One ounce or less*	civil offense	none	\$100
More than one ounce (first offense)	misdemeanor	6 months**	\$500
More than one ounce (subsequent offense)	misdemeanor	6 months***	\$500
*Offenders under 18 will be required to attend a drug awareness program or pay a \$1,000 fine. **Probation with records sealed upon completion of probation. ***Probation possible.			
Sale or Cultivation			
Less than 50 lbs (first offense)	misdemeanor	2 years	\$5,000
50 to 100 lbs	felony	1 year MMS**** up to 2.5 - 15 years	\$500 - \$10,000
100 to 2,000 lbs	felony	3 years MMS**** up to 15 years	\$2,500 - \$25,000
2,000 to 10,000 lbs	felony	5 years MMS**** up to 15 years	\$5,000 - \$50,000
More than 10,000 lbs	felony	10 years MMS**** up to 15 years	\$20,000 - \$200,000
Within 1,000 feet of school	felony	additional 2 years MMS*** up to 15 years	\$1,000 - \$10,000
****Mandatory minimum sentence.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia, manufacture, possession or sale	felony	1 - 2 years	\$500 - \$5,000
Paraphernalia sale to a minor	felony	3 - 5 years	\$1,000 - \$5,000
Details <span style="float: right;">Top ▲</span>			

Possession of one ounce or less of marijuana is a civil offense, subject to a \$100 fine like a traffic tricket. Offenders under 18 will be required to attend a drug awareness program or pay a \$1000 fine. Possession of more than one ounce of marijuana is punishable by up to six months in jail and a fine of up to \$500. For first time offenders, the court will sentence the offender to probation and upon successful completion of the probation period, the offender's record will be sealed. For subsequent offenses, probation may still be possible.

**Question 2**  
An Act Establishing a  
Sensible State  
Marihuana Policy  
passed by 65% in  
2008

Cultivation, delivery or sale of less than 50 pounds of marijuana is punishable by up to two years in

prison and a fine of up to \$5,000. For 50 pounds or more, the penalty increases to a mandatory minimum of one year in prison and a possible range of 2.5 - 15 years in prison and a fine of \$500 - \$10,000. For cultivation or sale of 100 pounds or more the mandatory minimum sentence is three years and up to 15 years in prison, along with a fine of \$2,500 - \$25,000. For 2,000 pounds or more, the penalties increase to a mandatory minimum 5-year sentence up to 15 years in prison and a fine of \$5,000 - \$50,000. For any amount of 10,000 pounds or more, the mandatory minimum sentence is 10 years with up to 15 years in prison possible and a fine of \$20,000 - \$200,000.

Sale of marijuana within 1,000 feet of a school adds another 2-year mandatory minimum sentence for sale and can go as high as an additional 15 years in prison and a fine of \$1,000 - \$10,000.

The manufacture or sale of paraphernalia is punishable by 1 - 2 years in prison and a fine of \$500 - \$5,000, unless the sale was to a minor, in which case the penalty is 3 - 5 years in prison and a fine of \$1,000 - \$5,000.

## Minnesota

<b>Possession*</b>			
Less than 42.5 g	misdemeanor	none**	\$200
42.5 g to 10 kg	felony	5 years	\$10,000
10 to 50 kg	felony	20 years	\$250,000
50 to 100 kg	felony	25 years	\$500,000
100 kg or more	felony	30 years	\$1,000,000
More than 1.4 g in a motor vehicle (except trunk)	misdemeanor	90 days	\$1,000
*Conditional discharge possible for first time offenders.			
**Possible drug education requirement.			
<b>Sale</b>			
Distribution of 42.5 g or less without remuneration	misdemeanor	none**	\$200
Less than 5 kg	felony	5 years	\$10,000
5 to 25 kg	felony	20 years	\$250,000
25 to 50 kg	felony	25 years	\$500,000
50 kg or more	felony	30 years	\$1,000,000
50 kg or more imported into the state	felony	35 years	\$1,250,000
To a minor	felony	20 years	\$250,000
Within a school zone or other specified areas	felony	15 years	\$100,000
**Possible drug education requirement.			
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Possible driver's license suspension for 30 days if the offense was committed while driving a motor vehicle.			
<b>Details</b>			<b>Top ▲</b>
The penalty for possession of a small amount (less than 42.5 grams) of marijuana is a fine of up to \$200 and possible requirement of drug education. Possession of 42.5 grams or more of marijuana is punishable by up to five years in prison and a fine up to \$10,000. Possession of 10 kilograms or more			

of marijuana increases the penalty to a fine up to \$250,000 and up to 20 years in prison. Possession of 50 kilograms or more is punishable by up to 25 years in prison and a fine up to \$500,000. For any possession of 100 kilograms or more, the penalty is up to 30 years in prison and a fine up to \$1,000,000.

Possession of greater than 1.4 grams in a motor vehicle (except in the trunk) is punishable by up to one year in prison.

Conditional discharge is a possibility for first time offenders.

For distribution of a small amount of marijuana (42.5 grams or less) for no remuneration, the penalty is a fine of up to \$200 and possible requirement of drug education. For sale of any amount less than 5 kilograms the punishment is up to 5 years in prison and a fine of up to \$10,000. Sale of 5 kilograms or more is punishable by up to 20 years in prison and a fine up to \$250,000. For sale of 25 kilograms or more, the penalties increase to a possible 25 years in prison and a fine up to \$500,000. Sale of 50 kilograms or more is punishable by up to 30 years in prison and a fine up to \$1,000,000.

The penalty for sale to a minor is up to 20 years in prison and a fine up to \$250,000. Sale within a school zone, park zone, public housing area or near a drug treatment facility increases the penalty to up to 15 years in prison and a fine up to \$100,000.

The importing of 50 kilograms or more into the state is punishable by up to 35 years in prison and a fine up to \$1,250,000.

Driver's licenses can be suspended for 30 days if the offense was committed while driving a motor vehicle.

## Mississippi

Possession			
30 g or less (first offense)	misdemeanor (summons only, no arrest)	none	\$100 - \$250
30 to 250 g	felony	3 years	\$3,000
250 to 500 g	felony	2 - 8 years	\$50,000
500 g to 5 kg	felony	6 - 24 years	\$500,000
5 kg or more	felony	10 - 30 years	\$1,000,000
30g or less within a motor vehicle (except trunk)	misdemeanor	90 days	\$1,000
Sale			
Less than 1 oz	felony	3 years	\$3,000
1 oz to 1 kg	felony	20 years	\$30,000
1 kg to 10 lbs	felony	30 years	\$5,000 - \$1,000,000
More than 10 lbs	felony	life without parole	variable
To a minor	felony	double penalty	double penalty



Within 1,500 feet of school, church and other specified areas	felony	double penalty	double penalty
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
<p>Second and subsequent offenses double first offense penalties.</p> <p>Any conviction causes driver's license suspension for 6 months.</p> <p>Possession of paraphernalia is a misdemeanor punishable by up to a \$500 fine and up to six months in jail. However, a paraphernalia charge may not be brought if the person is also charged with possession of less than one ounce of marijuana.</p>			
<b>Details</b>			<a href="#">Top ▲</a>
<p>Possession of 30 grams or less of marijuana is punishable by a fine of \$100 - \$250 for the first offense. For possession of greater than 30 grams the penalty increases to a fine of up to \$3,000 and up to three years in prison. The penalty for possession of 250 grams or more is 2 - 8 years in prison and a fine up to \$50,000. For possession of 500 grams or more the penalty is 6 - 24 years in prison and a fine up to \$500,000. For possession of 5 kilograms or greater the penalty is 10 -30 years in prison and a fine up to \$1,000,000. There are additional penalties for possession in any part of a motor vehicle except the trunk.</p> <p>Sale or delivery of less than one ounce is punishable by up to three years in prison and a fine up to \$3,000. Sale of one ounce or more is punishable by up to 20 years in prison and a fine up to \$30,000. For sale of one kilogram or more the penalty is up to 30 years in prison and a fine of \$5,000 - \$1,000,000. For sale of more than 10 pounds, the penalty is life in prison without the possibility of parole.</p> <p>Sale to a minor doubles the penalty. Sale within 1,500 feet of the buildings of a school, church, public park, ballpark, gymnasium, youth center, or movie theater also doubles the penalties available.</p> <p>Possession of 30 grams or less of marijuana in the passenger compartment of a car is a misdemeanor with a fine of no more than \$1000 and no more than 90 days in county jail.</p> <p>For second or subsequent offenses of over 30 grams of marijuana the penalty increases to twice the amount available to first offenders. A second conviction within two years for possession of 30 grams or less carries a fine of \$250 and not less than 5 or more than 60 days in county jail.</p> <p>For drug convictions, the offender's driver's license is suspended for six months.</p>			

## Nebraska

<b>Possession</b>			
1 oz or less (first offense)*	civil citation	none	\$300
1 oz or less (second offense)	misdemeanor	5 days	\$400
1 oz or less (subsequent offense)	misdemeanor	7 days	\$500
1 oz to 1 lb	misdemeanor	7 days	\$500
More than 1 lb	felony	5 years	\$10,000
*Possible drug education course.			
<b>Sale</b>			
		1 year MMS** - 20	

Any amount	felony	years	\$25,000
To a minor	felony	3 years MMS** - 20 years	\$50,000
Within 1,000 feet of school or 100 to 1,000 feet of other specified areas	felony	3 years MMS** - 50 years	\$50,000
**Mandatory minimum sentence.			
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession (first offense)	civil citation	none	\$100
Paraphernalia possession (second offense)	civil citation	none	\$200 - \$300
Paraphernalia possession (subsequent offense)	civil citation	none	\$200 - \$500
Paraphernalia sale	misdemeanor	6 monts	\$1,000

**Details**[Top ▲](#)

NE 28-416(13): Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.

For possession of greater than one ounce, the penalty is up to 7 days in jail and a fine up to \$500. Possession of greater than one pound is punishable by up to five years in prison and a fine up to \$10,000.

The penalty for distribution of marijuana is up to 20 years in prison and a fine up to \$25,000. The penalty increases for sale to minors and sale within 1,000 feet of a school, college or playground, or within 100 feet of a youth center, public swimming pool or video arcade to the next higher classification of offense.

Possession of paraphernalia is punishable by a fine of \$100 for the first offense. For the second offense, the fine increases to \$200 - \$300 and for subsequent offenses, the fine increases to \$200 - \$500. Sale of paraphernalia is punishable by up to six months in jail and a fine up to \$1,000.

**Nevada**

<b>Possession</b>			
Age 21 years or over, less than 1 oz (first offense)	misdemeanor	rehabilitation/ treatment	\$600
		rehabilitation/	

Age 21 years or over, less than 1 oz (second offense)	misdemeanor	treatment	\$1,000
Age 21 years or over, less than 1 oz (third offense)	gross misdemeanor	1 year	\$2,000
Age 21 years or over, less than 1 oz (fourth offense)	class E felony	1 - 4 years	\$5,000
Age less than 21 years less than 1 oz (first and second offense)	class E felony	1 - 4 years**	\$5,000
Age less than 21 years less than 1 oz (third offense)	class E felony	1 - 4 years	\$5,000

\*\*Probation usually granted for 1st and 2nd offenses.

Medical use permitted if less than 1 oz or 3 to 4 plants.

#### **Sale or Cultivation**

Less than 100 lbs (first offense)	felony	1 - 6 years	\$20,000
Less than 100 lbs (second offense)	felony	2 - 10 years	\$20,000
Less than 100 lbs (subsequent offense)	felony	3 - 15 years	\$20,000
100 to 2,000 lbs	felony	5 years	\$25,000
2,000 to 10,000 lbs	felony	2 - 20 years	\$50,000
More than 10,000 lbs	felony	life***	\$200,000
To a minor (first offense)	felony	1 - 20 years	variable
To a minor (second offense)	felony	life	variable
Within 1,000 feet of school or other specified areas	felony	double penalty	double penalty

\*\*\*Parole possible after 5 years.

Medical use permitted if less than 1 oz (3 to 4 plants).

#### **Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)**

Paraphernalia possession	misdemeanor	6 months	\$1,000
Paraphernalia sale	felony	1 - 4 years	\$5,000

#### **Details**

[Top ▲](#)

Possession of marijuana by persons 21 years of age or older is a misdemeanor and is punishable by a fine of \$600 or possible drug treatment. For a second offense, the fine increases to \$1,000. For a third offense, the punishment is up to one year in jail and a fine of up to \$2,000. A fourth offense changes the classification to a felony and is punishable by 1 - 4 years in prison and a fine of up to \$5,000.

Possession of marijuana by persons under 21 years of age of

less than one ounce of marijuana is a felony, punishable by 1 - 4 years in prison and a fine of up to \$5,000. Probation is usually granted in lieu of imprisonment for first and second offenses, for third offenses, there is a presumption of imprisonment.

Cultivation, delivery or sale of less than 100 pounds of marijuana is punishable by 1 - 6 years in prison and a fine of up to \$20,000 for the first offense. For a second offense, the penalty increases to 2 - 10 years in prison and a fine up to \$20,000. For a third or subsequent offense, the penalty increases to 3 - 15 years in prison and a fine up to \$20,000. Cultivation, delivery or sale of 100 pounds or more is punishable by up to five years in prison

**Assembly Bill 453**  
allows for medical use  
of marijuana in  
Nevada and went into  
effect October 2001  
(Word doc).

and a fine up to \$25,000. For amounts of 2,000 pounds or greater, the penalty increases to 2 - 20 years in prison and a fine up to \$50,000. For amounts greater than 10,000 pounds the penalty can be up to life in prison, with the possibility for parole after a minimum of five years and a fine up to \$200,000.

It is an affirmative defense to any charge of possession, delivery or production of marijuana that the person is engaged in the medical use of marijuana if the amount is no more than one ounce of usable marijuana, three mature plants or four immature plants.

Any sale to a minor is punishable by 1 - 20 years in prison for the first offense, and up to life for a second offense. Sale within 1,000 feet of a school, video arcade, public pool or youth center doubles the possible penalty.

Possession of paraphernalia is punishable by up to six months in jail and a fine up to \$1,000. Sale of paraphernalia is punishable by 1 - 4 years in prison and a fine up to \$5,000.

## New York

<b>Possession</b>			
25 g or less (first offense)	civil citation	none	\$100
25 g or less (second offense)	civil citation	none	\$200
25 g or less (3rd offense)	misdemeanor	5 days and/or fine	\$250
25 g to 2 oz*	misdemeanor	3 months	\$500
2 to 8 oz	class A misdemeanor	1 year and/or fine	\$1,000
8 to 16 oz (first felony)	class E felony	1-4 years and/or fine, if second offense- 3-4 years (mandatory ½ jail sentence)	\$5,000
16 oz to 10 lbs (first felony)	class D felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000
More than 10 lbs (first felony)	class C felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000
*Includes any amount in public where marijuana is burning or open to public view.			
<b>Sale or Cultivation</b>			
2 oz or less gift	class B misdemeanor	3 months and/or fine	\$500
24 g sale	class A misdemeanor	1 year and/or fine	\$1,000
25 g to 4 oz (first felony)	class E felony	1 - 4 years, if second felony 3-4 years (mandatory ½ jail sentence)	\$5,000
4 to 16 oz (first felony)	class D felony	1-7 years (probation if no prior felony)	\$5,000
		1-5 years and/or fine, if second felony 4-7 years	

16 oz to 10 lbs (first felony)	class C felony	(mandatory ½ jail sentence)	\$5,000
10 lbs or more (first felony)	class C felony	1-15 years and/or fine if second felony 6-15 years (mandatory ½ jail sentence)	
Sale to a minor (first felony)	class D felony	1 - 7 years	\$5,000
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession (must be dirty paraphernalia)	misdemeanor	1 year	\$1,000
<b>Details</b>			<a href="#">Top ▲</a>
Possession of 25 grams or less of marijuana is punishable by a fine of \$100 for the first offense. For the second offense, the penalty increases to a \$200 fine and for subsequent offenses the fine increases to \$250 and a maximum of 15 days in jail time may be imposed.			
Possession of greater than 25 grams or possession of any amount in public where the marijuana is burning or open to public view, is a class B misdemeanor and is punishable by up to three months in jail and a fine up to \$500.			
For possession of greater than two ounces, the penalty increases to a possible one year in jail and a fine up to \$1,000.			
Possession of greater than eight ounces increases the penalties to a possible one to one and a half years in prison and a fine up to \$5,000. The penalties for possession of greater than 16 ounces are one to two and a half years in prison and a fine up to \$5,000. For possession of any amount greater than 10 pounds, the penalty is one to five and half years in prison and a fine up to \$5,000.			
Delivery or manufacture of two grams or less of marijuana for no remuneration is punishable by up to three months in jail and a fine up to \$500. For delivery or manufacture of 25 grams or less, the penalty is up to one year in jail and a fine up to \$1,000. For amounts greater than 25 grams, the penalty increases to one to one and a half years in jail and a fine up to \$5,000. Delivery or manufacture of greater than four ounces is punishable by one to two and a half years in prison and a fine up to \$5,000. For any amount greater than 16 ounces, the penalty increases to one to five and a half years in prison and a fine up to \$5,000.			
Any sale or delivery to a minor is punishable by one to two and a half years in prison and a fine up to \$5,000.			
Possession or sale of paraphernalia is punishable by up to one year in jail or a fine up to \$1,000.			

## North Carolina

<b>Possession</b>			
1/2 oz or less	misdemeanor	30 days*	\$200
1/2 to 1 1/2 oz	misdemeanor	1 - 120 days**	\$500
More than 1 1/2 oz	felony	up to 12 months	Discretionary Fine
*Suspended sentence mandatory.			
**Community service or probation possible. 45 maximum for those with a clear record.			

<b>Sale or Cultivation</b>			
Less than 5 g with no remuneration (assumes first offense for sentencing guidelines)	see Possession		
Up to 10 lbs	felony	up to 12 months	not more than \$5,000
10 to 50 lbs	felony	25 months and up to 30 months MMS***	not more than \$5,000
50 to 2000 lbs	felony	35 months and up to 42 months MMS***	not more than \$25,000
2000 to 10,000 lbs	felony	70 months and up to 84 months MMS***	not more than \$50,000
10,000 lbs or more	felony	179 months and up to 219 months MMS***	not more than \$200,000
Within 300 feet of school zone	felony	increased penalty	increased penalty
Sale to a minor if seller is over age 21 or sale to a pregnant woman	felony	increased penalty	increased penalty
***Mandatory minimum sentence.			
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Paraphernalia possession	misdemeanor	6 months	variable
<b>Details</b>			
<p>Possession of one half ounce or less is punishable by up to 30 days in jail, most likely suspended. Possession of greater than one half ounce is punishable by 1 - 120 days in jail, with a possibility of community service or probation in lieu of jail. Possession greater than 1.5 ounces increases the penalties to up to 12 months in jail.</p> <p>Manufacture, Cultivation, sale or delivery of less than five grams, for no remuneration (payment, barter, or exchange of any kind) is considered possession and not sale. For amounts of ten pounds or less, the penalty is up to 12 months in jail.</p> <p>Penalties for sale, delivery or manufacture are increased if the sale occurs within 300 feet of a school zone if the offender is over 21 and if the sale was made to a minor or to a pregnant woman.</p> <p>Possession of paraphernalia is punishable by up to six months in jail.</p> <p>(N.C.G.S. 90-95 as of 2/05/07)</p>			

**Ohio**

<b>Possession</b>			
Less than 100 g	minor misdemeanor***	none	\$100
100 g to 200 g	misdemeanor of 4th degree	not more than thirty days and/or fine	\$250
200 g to 1000 g	5th degree felony	6 months - 1 year and/or fine	\$2,500

1000 g to 5000 g	3rd degree felony	1 - 5 years and/or fine	\$10,000
5000 g to 20,000 g	3rd degree felony	1 - 5 years** and/or fine	\$10,000
20,000 g or more	2nd degree felony	2-8* years and/or fine	\$15,000
*Mandatory minimum sentence. **Presumption of prison. ***A minor misdemeanor does not create a criminal record in Ohio			
<b>Cultivation</b>			
Less than 100 g	minor misdemeanor***	none	\$100
100 g to 200 g	4th degree misdemeanor	not more than 30 days and/or fine, if near school or juvenile-3rd degree misdemeanor and/or fine	\$250-\$500
200 g to 1000 g	5th degree felony	6 months-1 year and/or fine, if near school or juvenile-4th degree felony 6-18 months and/or fine	\$2500-\$5000
1000 g to 5000 g	3rd degree felony	1-5 years and/or fine, if near school or juvenile - 2nd degree felony 2-8 years and/or fine	\$10,000-\$15,000
5000 g to 20,000 g	3rd degree felony	1-5 years and/or fine, if near school or juvenile - 2nd degree felony 2-8 years and/or fine**	\$10,000-\$15,000
20,000 g or more	2nd degree felony	2-8 years MMS* and/or fine	\$15,000
Any possession less than 5,000 may be probation only. *Mandatory minimum sentence. **Presumption of prison ***A minor misdemeanor does not create a criminal record in Ohio			
<b>Sale/Distribution</b>			
gift of 20 g or less	minor misdemeanor***	none	\$100
less than 200 g	felony	6 - 18 months	variable
200 g to 600 g	felony	1 - 5 years	variable
600 g or more	felony	6 months MMS*	variable
To minors within 1,000 feet of school, within 100 feet of a juvenile, and previous felony drug convictions	felony	increased penalty	increased penalty
*Mandatory minimum sentence. ***A minor misdemeanor does not create a criminal record in Ohio			
<b>Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)</b>			
Paraphernalia possession	misdemeanor	30 days	\$750

Paraphernalia sale	misdemeanor	90 days	\$1,000
Any drug conviction causes driver's license suspension for 6 months to 5 years. Professional licenses are suspended.			
<b>Details</b>			<a href="#">Top ▲</a>
<p>Possession of less than 100 grams of marijuana is a citable offense only, with a fine of \$100. Possession of 100 grams or more is punishable by a fine of up to \$250. For possession of 200 grams or more, the penalty increases to a possible sentence of 6 months - one year in jail. Possession of 1,000 grams or more is punishable by 1 - 5 years in prison. Any possession of less than 5,000 grams does not carry the presumption of prison, which leaves available the possibility of probation. Possession of 5,000 grams of marijuana or more is punishable by 1 - 5 years in prison. For any amount or 20,000 grams or more the penalty increases to a mandatory minimum sentence of eight years in prison.</p> <p>Delivery of 20 grams or less, for no remuneration, is considered possession and is punished with a fine of \$100. Sale or distribution of less than 200 grams carries a penalty of 6 - 18 months in jail. Sale or distribution of 200 grams or more is punishable by 1 - 5 years in prison. Sale or distribution of 600 grams or greater carries a mandatory minimum sentence of six months and a possible 2 - 8 year sentence.</p> <p>Sale to minors, sale within 1,000 feet of a school, sale within 100 feet of a juvenile, and previous felony drug convictions all increase the penalty for the sale or distribution of marijuana.</p> <p>Possession of paraphernalia is punishable by up to 30 days in jail and sale of paraphernalia is punishable by up to 90 days in jail.</p> <p>For all drug convictions, the offender's driver's license is also suspended for a period of 6 months - 5 years. This does not apply to minor misdemeanor violations for marijuana possession. Professional licenses are also suspended.</p>			

## Oregon

<b>Possession</b>			
Less than 1 oz	misdemeanor	none	\$500 - \$1,000
1 oz to 110 g	class B felony	10 years**	\$100,000
More than 110 g	felony	variable depending on prior record	variable
<p>Medical use permitted with up to 24 oz, and 6 mature plants/18 immature seedlings, and state registration.</p> <p>**Conditional discharge available.</p>			
<b>Sale, Cultivation or Manufacture</b>			
Gift of less than 5 g	misdemeanor	none	\$500 - \$1,000
Gift of 5g to 1 oz	class A misdemeanor	1 year	\$5,000
Any amount	class B felony	10 years	\$100,000
To a minor at least 3 years younger than seller,			



or within 1,000 feet of a school	felony	20 years	\$300,000
Any manufacture	felony	20 years	\$300,000
<b>Miscellaneous (incl. paraphernalia)</b>			
Paraphernalia sale	misdemeanor	1 year	\$5,000

All marijuana convictions result in a six month drivers license suspension, unless the court finds reason not to suspend driving privileges.

#### **Details**

[Top ▲](#)

Possession of less than one ounce of marijuana is punishable by a fine of \$500 - \$1,000. Possession of one ounce or more is punishable by up to 10 years in prison. Conditional discharge is possible for possession offenses. Possession of greater than 110 grams is considered a commercial drug offense and penalties are substantially greater, depending on the prior record of the offender.

Delivery of less than five grams, for no remuneration, is punishable by a fine of \$500 - \$1,000. Delivery for no remuneration of less than one ounce is punishable by up to one year in jail and a fine of up to \$5,000. Any sale of marijuana is punishable by up to 10 years in prison and a fine of up to \$100,000.

Possession of one ounce or less or cultivation of three plants or less is lawful for any person who possesses a registry identification card indicating that the person is a patient who uses marijuana for medicinal purposes. This is an affirmative defense to any charges of possession or cultivation within the amount limits.

If you are over 17-years-old and deliver any amount of marijuana to a minor who is at least three years younger than you (whether or not you receive something for it), you committed a class A felony punishable by a maximum sentence of 20 years and a \$100,000 fine.

Any sale to a minor, at least three years younger than the offender, or any sale within 1,000 feet of a school is punishable by up to 20 years in prison and a fine of up to \$300,000.

Manufacturing any amount of marijuana is a very serious offense. 'Manufacturing' means growing even one plant and packaging, repackaging, labeling or relabeling marijuana. Manufacturing marijuana is a class A felony punishable by a maximum sentence of 20 years in prison and a \$100,000 fine.

Knowingly maintaining, visiting or even staying at a place where people are using, storing, or selling marijuana is a class A misdemeanor punishable by up to a year in jail and a \$5,000 fine. However, if the amount of marijuana is one ounce or less, and it is just kept or used on the premises, the fine is \$100 and not a criminal conviction.

Any manufacture of marijuana is punishable by up to 20 years in prison and a fine of up to \$300,000.

Sale of paraphernalia is punishable by up to one year in jail and a fine of up to \$5,000.

A conviction for manufacturing, possessing or delivering marijuana, or for driving under the influence of marijuana, will result in a six month drivers license suspension, unless the court finds compelling circumstances not to order the suspension of driving privileges.

Senate Bill 1085, which takes effect on January 1, 2006, raises the quantity of cannabis that authorized patients may possess from seven plants (with no more than three mature) and three ounces of cannabis

to six mature cannabis plants, 18 immature seedlings, and 24 ounces of usable cannabis. However, those state-qualified patients who possess cannabis in amounts exceeding the new state guidelines will no longer retain the ability to argue an "affirmative defense" of medical necessity at trial. Patients who fail to register with the state, but who possess medical cannabis in amounts compliant with state law, still retain the ability to raise an "affirmative defense" at trial.

--

you are the storyteller of your own life, and you can create your own legend or not. Isabel Allende